

# **EXHIBIT E**

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## VIA EMAIL

November 9, 2017

Louis M. Solomon  
Michael Lazaroff  
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Greenberg Traurig, LLP  
200 Park Avenue  
New York, New York 10166

Re: *BSG Resources (Guinea) Limited, et al. v. Soros et al.*, No. 1:17-cv-02726 (JFK) (AJP)

Dear Counsel:

We write regarding various outstanding discovery issues. The following gating issues go directly to the scope and completeness of Plaintiffs' productions and need to be resolved well before the close of document discovery:

- 1. Documents from LCIA Arbitration.** During the September 1, 2017 conference, Judge Peck directed Plaintiffs to "produce what you produced [in the *Vale v. BSGR* arbitration, LCIA Arb. No. 142683] that is otherwise responsive to their discovery" and to "do a rough equivalent of a privilege log for what you are not producing from your production there." (Tr. of Conference on Sept. 1, 2017, at 32: 15-25) Judge Peck further directed Plaintiffs to inquire whether the confidentiality order in the LCIA Arbitration permits Plaintiffs to move on Defendants' behalf for a waiver of the confidentiality provisions that would otherwise protect the documents produced in that proceeding. (Tr. of Conference on Sept. 1, 2017, at 23:13-24:2)

We have reviewed your productions to date and they appear to contain few documents from the LCIA arbitration. You also have yet to (a) provide the governing confidentiality agreement precluding production of LCIA materials; (b) answer the question whether the agreement includes a provision allowing the arbitration panel to set aside the confidentiality to allow production of documents in this case; or (c) inform us or the court whether you have made any such inquiry or motion to the arbitral panel. Please advise

when you will move for relief from the confidentiality provision and how long that process is expected to take.

2. **Documents Allegedly Precluded from Production.** Plaintiffs objected to various requests in Defendants' First Requests for Production to the extent they seek documents protected by a confidentiality agreement, court order, or privacy laws. During the parties' meet and confer on August 29, 2017, Plaintiffs agreed to provide such confidentiality agreements or court orders and the relevant legal citations. Please identify and provide the requested information so we can evaluate and, if necessary, move on your objections.
3. ***Rio Tinto v. Vale* Litigation Documents.** During the September 1, 2017 conference, Plaintiffs represented that they destroyed all third-party documents from the *Rio Tinto v. Vale* litigation pursuant to the operative protective order in that case. (Tr. of Conference on Sept. 1, 2017, at 31:1-3) Judge Peck directed Plaintiffs to confirm the destruction or else, "give notice to the other parties" and "produce subject to the same limitations that existed in the [*Rio Tinto v. Vale*] confidentiality order." Plaintiffs were also directed to produce "everything you've produced" in *Rio Tinto v. Vale*.

We have reviewed Plaintiffs' productions to date and documents from the *Rio Tinto v. Vale* Litigation do not appear to be included nor has a certification of destruction been provided. Please advise the status of notice to producing parties from the *Rio Tinto v. Vale* litigation, including when any notice periods expire, whether any producing parties have objected to the production, and how long the remainder of this process will take.

4. **Responses to Interrogatory Nos. 7-9.** In response to interrogatories 7 and 8, seeking information concerning the sources of relevant information, Plaintiffs explained that as a result of criminal investigations of Beny Steinmetz and his associates, various devices and documents have been seized. Defendants requested clarification of the potential impact of the unavailable data and documents in a letter dated September 28, 2017. Nearly a month later, on October 26, 2017, Plaintiffs responded stating essentially that you cannot be certain what was seized, but to the extent it was "otherwise preserved," you are searching the data.

However, you refused to explain in response to Interrogatory No. 9, what has been "otherwise preserved." Plaintiffs must be able to provide some information to inform Defendants and the court as to the impact of the seizure on the Plaintiffs' productions. Plaintiffs know what devices and documents were seized. They also know how those devices and hard copy documents relate to Plaintiffs' computer and records systems. Were the devices synced to Plaintiffs' servers, for example? Were the hard copy documents originals or duplicates? Do copies otherwise exist? Plaintiffs also know what data was preserved. The non-descript "database" includes documents from which sources and for what time periods? Answers to these and related questions should identify whether and where there may be holes in Plaintiffs' productions. We are entitled to this information under Local Civil Rule 33.3 and need it to assess any deficiencies in Plaintiffs' discovery responses.

In addition to the threshold issues above, your October 26, 2017 letter did not resolve the issues concerning Plaintiffs' deficient responses to Interrogatory Nos. 1-5.

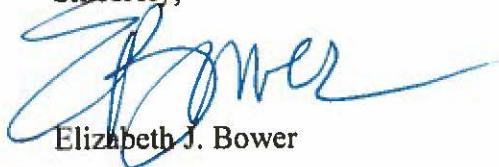
- **Response to Interrogatory No. 1.** You concede that the list contains names of people who Plaintiffs contend do not have relevant information. This is improper. The interrogatory does not seek a laundry list of names of people who may or may not have some connection to Guinea. Moreover, your "completeness" argument makes no sense. The interrogatory seeks the names of individuals who Plaintiffs' believe possess "knowledge of information relevant to the Action" and is intended to identify individuals who may have discoverable information. Your inclusion - without identification - of individuals who do not possess relevant information is obstructing our ability to identify and evaluate individuals from whom we may obtain additional discovery.
- **Responses to Interrogatory Nos. 2-5.** Your refusal to provide complete, verified responses to the interrogatories is baseless. That you may have provided some of this information in informal discovery discussions does not satisfy your obligations under Rule 33. Moreover, the pending discovery objections have no bearing on your incomplete responses.

If you do not amend your interrogatory responses we will have no choice but to seek relief from the court.

Finally, the application of the search terms previously discussed by the parties to the universe of documents collected by Defendants have yielded more than 1 million documents, the majority of which appear to be false or irrelevant hits. Defendants have reviewed the search results, both the hit reports and a sampling of documents generated by the overbroad terms, and make the attached proposed revisions to the search terms to target relevant documents. Applying the modified search terms still requires Defendants to review over 200,000 documents, which review is ongoing.

Please advise of your availability for a meet and confer to discuss these issues on Friday, November 10, 2017, or Monday, November 13, 2017.

Sincerely,



Elizabeth J. Bower

Enclosures

~~(Guine\* OR Guiné\*)~~ AND ~~(iron OR “base convention” OR “Block 1” OR “Block 2” OR “Blocks 1 and 2” OR “Blocks 1 & 2” OR “Block 3” or “Block 4” OR “Blocks 3 and 4” OR “Blocks 3 & 4”)~~<sup>1</sup>

[Guine\\* W/50 Iron](#)

~~(Guine\* OR Guiné\*)~~ ~~AND~~ w/50 (mine\* OR mining) AND (NOT (Diamond\* OR Oil))

~~(BSG\* OR Steinmetz\*)~~

Simandou

Zogota

~~BSG\* OR Steinmetz OR~~ Beny OR ~~Beni OR Benny OR Asher OR~~ Avidan OR ~~Dag-OR\* w/2~~ Cramer<sup>1</sup> OR Oron OR Noy OR “Lev Ran” OR Avraham OR ~~Ibrahim OR~~ Sory OR Touré OR Kassory OR Cilins OR VBG OR Issiaga OR Bangoura OR Margali OR Pentler ~~OR Onyx~~

[Beni AND Guine\\*](#)

[Onyx AND \(Guine\\* OR BSG\\* OR Steinmetz\\*\)](#)

~~(Guine\* OR Guiné\*)~~ AND (Veracity OR Fox OR DLA OR Piper OR Horton OR Heenan OR Blaikie OR Orrick OR Investigat\* OR DOJ OR FBI)

Matinda ~~OR Mamad\* OR Touré~~

~~(Guine\* OR Guiné\*)~~ ~~AND~~ w/50 (“President’s wife” OR “4th Wife” OR “Fourth wife” OR “Conté’s wife”)

(ICSID OR International Centre for Settlement of Investment Disputes) AND Guine\*

“VBG” OR “Ricardo Saad”

Guine\* ~~AND~~ w/50 “joint venture”

[Agnelli AND Guine\\*](#)

~~(Vale OR Agnelli OR Daniela OR~~ Chimisso OR ~~(Clovis OR w/2~~ Torres ~~OR Eduardo~~) OR Ledsham OR ~~(Pedro OR w/2~~ Rodrigues)

~~(Guine\* OR Guiné\*)~~ AND Canavan AND (iron or mine\* or mining or BSG\* or Steinmetz\*)

<sup>1</sup>The term “Guine\*” pulls in hits for both “Guine\*” and “Guiné\*”.

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**Conde AND (Obama OR "South Africa\*" OR BSG\* OR Steinmetz\* OR Guine\* OR iron OR mine\* OR Mining)**

**Alpha w/2 Conde** ~~OR Condé~~

**President w/2 Conde**

~~(Guine\* OR Guiné\*) AND W/50~~ (Alpha OR ~~President~~ OR Mohamed OR MAC OR Papa)

~~(Guine\* OR Guiné\*) AND W/50~~ President\* ~~AND W/50~~ Elect\* ~~AND W/50~~ 2010

(FTI OR Waples OR "Malloch Brown" OR MMB OR Brewerton) **AND (Guine\* OR BSG\* OR Steinmetz\*)**

~~(Guiné OR Guine\*) AND W/50~~ (Murilo OR Ferreira)

~~(Guine\* OR Guiné\*) AND W/50~~ (Lissakers OR Heller OR Collier OR Sachs)

~~(Guine\* OR Guiné\*) AND w/50~~ ("Revenue Watch Institute" OR RWI OR "Natural Resource Governance Institute" OR NRG OR "Extractive Industries Transparency Initiative" OR "EITI" OR "International Senior Lawyer\* Project" OR ISLP OR Global Witness OR GW OR "Transparency International" OR "Publish What You Pay" OR PWYP OR "Columbia Center" OR ALSF OR "African Legal Support Facility" OR "African Development Bank Group" OR "Public Eye" OR "Basel Institute" OR CCPR OR "Centre for Civil and Political Rights" OR ACET OR "African Center for Economic Transformation" OR "Tony Blair" OR "African Governance Initiative" OR "U.K. Department for International Development" OR ICIJ OR "International Consortium for Investigative Journalists" OR ~~FACT OR~~ "Financial Accountability & Corporate Transparency")

~~((board\* OR director\* OR officer) AND W/5~~ ("Open Society" OR OSF\* OR FPOS OR OSI\* OR AOSI OR OSPC) AND ~~((Revenue Watch Institute" OR RWI OR "Natural Resource Governance Institute" OR NRG OR "Extractive Industries Transparency Initiative" OR "EITI" OR Global Witness OR GW OR "Transparency International" OR "Publish What You Pay" OR PWYP OR "Public Eye" OR "Basel Institute" OR CCPR OR "Centre for Civil and Political Rights" OR ACET OR "African Center for Economic Transformation" OR "Tony Blair" OR "African Governance Initiative" OR "U.K. Department for International Development" OR ICIJ OR "International Consortium for Investigative Journalists" OR ~~FACT OR~~ "Financial Accountability & Corporate Transparency" OR ALSF OR "African Legal Support Facility") W/5~~ **(board\* OR director\* OR officer)**)

~~(fee\* OR pay\* OR reimburs\* OR fund\*) AND w/50~~ ("Open Society" OR OSF\* OR FPOS OR OSI\* OR AOSI OR OSPC) AND ~~(w/50~~ ("International Senior Lawyer\* Project" OR ISLP OR "Revenue Watch Institute" OR RWI OR "Natural Resource Governance Institute" OR NRG OR "Global Witness" OR GW OR ALSF OR "African Legal Support Facility") AND w/50 (Guine\* OR ~~Guiné\*~~ OR Iron OR mining OR mine)

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**(Guine\* OR Guiné\*) AND (Iron OR Mining OR Mine\*)**

(Guine\* **OR Guiné\***) AND (“mining code” OR “Code minier” OR Sofreco)

SOGUIPAMI OR “Société Guinéenne du Patrimoine Minier”

Guine\* **AND w/50** (Davies OR Walsh OR Valentine OR Albanese OR Din OR “Roger Agnelli” OR “Murilo Ferreira” OR “Eduardo Ledsham” OR “Pedro Rodrigues” OR “Daniela Chimisso dos Santos” OR “Clovis Torres” OR “Ricardo Saad” OR “Alex Monteiro” OR “Eduardo Etchart” OR “Gilberto Mansour” OR “Jose Andre Alves” OR “Paulo Bergman” OR “Marcio Senne” OR “Rafael Benke” OR “Ivo Brasil” OR “Tom Albanese” OR “Sam Walsh” OR “Alan Davies” OR “Steven Din” OR “Jan Du Plessis” OR “David M. Smith” OR “Alison Kutler” OR “Debra Valentine” OR “Neville Tiffen” OR “Jordan Feilders” OR “Milvil Deschenes” OR “Laurel Green” OR “Thierno Diallo” OR “Ismael Diakité” OR “Richard Williams” OR “Jacques Nasser” OR “Marius Klopper” OR “Ian Wood” OR “James Ensor” OR “Sun Zhaoxue” OR “Aboubacar Sampil” OR “Philippe-Henri Edmonds” OR “Andrew Groves” OR “Ethelbert Cooper” OR “John Negroponte” OR “Haresh Kanabar” OR “Ivan Glasenberg” OR “Christian Wolfensberger” OR “Anthony Hayward” OR “Alexander Machkevitch” OR “Amre Youness” OR “Oleg Deripaska” OR “Klaus Kleinfeld” OR “Daniel Cruise” OR “Alan Knight” OR “Suresh Rajapaskse” OR “Olivier Loubiere”)

“De Combre”

**“Rio Tinto”**

(Guine\* **OR Guiné\***) AND Sable

(Guine\* **OR Guiné\***) AND (“National Mining Commission” OR NMC”)

“Technical Committee” OR “Strategic Committee” OR “Comité technique” OR “Comité stratégique” OR “Ibrahim Camara” OR “Abdoulaye Yéro Baldé” OR “Abdoul Karim Sylla” OR “Saadou Nimaga” OR “Morciré Sylla” OR “Mamady Kaba” OR “Seydou Bari Sidibé” OR “Alhassane Camara” OR “Halaby Ahmed Salim” OR “Ousmane Keita” OR “Moustapha Kobélé Keïta” OR “Mamadou Taran Diallo” OR “El Hadj Ibrahima Bodie Baldé” OR “Ibrahima Bodie Baldé” OR “Ibrahima Kalil Kourouma” OR “Mamadou Mansaré” OR “Lamine Fofana” OR “Mohamed Diaré” OR “Christian Sow” OR “Cheick Sako” OR “El Hadj Ousmane Bah” OR “Mohamed Traore” OR “Dadis Camara” OR “Sekouba Konate” OR “Ahmed Tidiane Souaré” OR “Ousmane Sylla” OR “Ahmed Kanté” OR “Abdoulaye Magassouba” OR “Noramou Cécé” OR “Aboubacar Koly Kourouma” OR “Guillaume Curtis” OR “Mamoudou Kouyaté” OR “Ousmane Coumbassa” OR “Ibrahima Kalil Kaba”

**(Guine\* **OR Guiné\***) AND (BSG\* OR “W/50 (“Rio Tinto” OR Vale OR “Mitsubishi Corporation” OR “BHP Billton” OR Glencore OR Alcoa **OR Sable\***)**

(Guine\* **OR Guiné\***) AND (“Allegations letter” OR “Lettre d’Allegations”)

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~~(Guine\* OR Guiné\*)~~ AND (“Financial Times” OR FT OR Glenny OR Burgis OR “Helen Thomas”)

Mebiame

~~(Guine\* OR Guiné\*)~~ AND (“Buried Secrets” OR Keefe OR “The New Yorker”)

Toure OR Touré OR ~~Nava OR~~ (Adama ~~OR W/2~~ Sidibe) OR ~~(Aboubacar OR W/2 Bah)~~ OR Ismaila OR Daou OR ~~Condé OR Conde OR~~ Nabé OR Nabe OR Lounceny OR Conté OR Conte OR ~~Mahmoud OR Thiam OR Mamoudou OR~~ Kouyaté OR Kouyate OR Yansane OR Kerfalla

[Nava AND \(Guine\\* OR iron OR mine\\* OR mining OR BSG\\* OR Steinmetz\\*\)](#)

[Mamoudou AND \(BSG\\* OR Guine\\* OR iron OR mine\\* OR mining OR Steinmetz\\*\)](#)

~~(Guine\* OR Guiné\*)~~[AND W/50](#) (Jon\* OR Alex\* OR Robert OR Daniel)

~~(Guine\* OR Guiné\*)~~ AND (“Barrick Gold” OR “Richard Williams”) AND (ECOWAS OR “Economic Community of West African States” OR Cedeao OR Communauté économique des États de l’Afrique de l’Ouest) AND (Bangoura OR “Sory Touré”)

~~Issiaga OR Bangoura~~

“Ibrahima Sory Touré” ~~OR IST~~

~~(Condé OR Conde) AND Obama~~

[IST AND \(Guine\\* OR BSG\\* OR Steinmetz\)](#)

~~(Guine\* OR Guiné\*)~~ AND (OECD OR “Organization for Economic Cooperation and Development”)

~~(Guine\* OR Guiné\*)~~ AND (LCIA OR “London Court of International Arbitration”)

(“memorandum of understanding” OR MOU OR “advance payment of tax”) AND Vale Simbi OR Bibu OR Piri OR Phiri

~~(Conde OR President OR Son OR papa OR MAC) AND “South Africa”~~

(Soros OR “Open Society” OR OSF\* OR OSI\* OR FPOS OR AOSI OR OSPC) [AND W/20](#) (Revenue Watch OR RWI OR Soros Fund Management OR SFM OR Canavan OR Heller OR Global Witness OR GW OR DLA Piper OR Horton OR Collier OR NRG) [AND W/20](#) (meeting\* OR letter\* OR correspond\* OR communicat\* OR phon\* OR telephon\* OR voicemail\* OR messag\*) [AND W/20](#) (Guine\* ~~OR Guiné\* OR Minist\*~~)

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**“Thiam” AND (Guine\* OR BSG\* OR Steinmetz OR iron OR mine\* OR mining)**